

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ARTHUR LEWIS,)
Plaintiff,)
v.)
CAROLYN W. COLVIN,)
ACTING COMMISSIONER OF)
SOCIAL SECURITY,)
Defendant.)
No. 4:12CV2304 TIA

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Petition for Award of Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (ECF No. 26). The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

On October 24, 2013, the undersigned reversed the Commissioner's decision and remanded Plaintiff's case to the Commissioner for further proceedings. Plaintiff now seeks attorney's fees in the amount of \$3,096.56, which represents 16.6 hours of attorney work from Traci L. Severs at the rate of \$186.54 per hour. Defendant filed a response to Plaintiff's motion, stating that she has no objection to an award of EAJA fees of \$3,096.56 to be paid by the Social Security Administration.

In EAJA actions, the district court has the authority to award reasonable and necessary expenses associated with adjudicating a claim for social security benefits. Kelly v. Bowen, 862 F.2d 1333, 1335 (8th Cir. 1988). The Court finds that Plaintiff is entitled to EAJA fees in the amount of \$3,096.56, payable to the Plaintiff as the prevailing party. Astrue v. Ratliff, 560 U.S. 586, 130 S. Ct. 2521, 2527 (2010) (holding that EAJA fees are payable to the prevailing party

and may be subject to offset to satisfy any pre-existing debt owed to the United States). An appropriate Judgment will accompany this Memorandum and Order.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Petition for Award of Attorney Fees Pursuant to the Equal Access to Justice Act (ECF No. 26) is **GRANTED** in the amount of \$3,096.56.

IT IS FURTHER ORDERED that said award shall be made payable to the Plaintiff.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 12th day of November, 2013.